

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ARGONAUT-MIDWEST  
INSURANCE COMPANY,**

**Plaintiff/Counter Defendant,**

**v.**

**No. CIV 16-0540 JCH/LAM**

**MANUEL GALLEGOS, SR.,**

**Defendant/Counter Claimant/Third-Party Plaintiff,**

**v.**

**WESTERN STATES  
INSURANCE COMPANY,**

**Third-Party Defendant.**

**ORDER TO SHOW CAUSE**

**THIS MATTER** is before the Court *sua sponte*. Third-Party Plaintiff Manuel Gallegos, Sr. filed a Counterclaim against Argonaut-Midwest Insurance Company and a Third-Party Complaint against Western States Insurance Company on July 28, 2016. [*Doc. 6*]. Counter Defendant Argonaut-Midwest Insurance Company filed an answer to the Counterclaim on August 25, 2016. [*Doc. 12*]. On October 3, 2016, Third-Party Defendant Western States Insurance Company filed a notice stating that Third-Party Plaintiff Manuel Gallegos has agreed to an extension of time through October 17, 2016 for Western States Insurance Company to file a response to the Third-Party Complaint. [*Doc. 17*]. Western States Insurance Company has not

filed a response to the Third-Party Complaint and Manuel Gallegos has not taken any further action in this case as to Western States Insurance Company. Under the Local Rules of this Court, “[a] civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.” D.N.M. LR-Civ. 41.1.

**IT IS THEREFORE ORDERED** that, **within thirty (30) days of the entry of this Order**, Third-Party Plaintiff Manuel Gallegos’ Third-Party Complaint may be dismissed without prejudice **as to Third-Party Defendant Western States Insurance Company** unless Manuel Gallegos shows good cause for failing to move his case forward as to Western States Insurance Company.

**IT IS SO ORDERED.**

  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**